

Travels with John. A comparative study on the function of prisons in Europe

London, November 2014

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1. Background, opportunity and plan

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Personal background:

Master of laws (1991), master criminology (1992), PhD (1999), lecturer (2000), senior lecturer (2008) and professor (2010) at the department of criminology, penal law & social law of Ghent University – director of the Institute for International Research on Criminal Policy (IRCP)

Member of the Bar (1991-1996)

Teaching and research on *(international and comparative) criminal justice and policy*

Strong interest in research (policy): PhD supervision, publications,...

Chair of the external *supervision board of Ghent prison* (2005-2013)

The opportunity to get a *sabbatical leave* (no teaching in 2014)

The plan to build on existing experience, knowledge and contacts to make a (comparative) study of *prisons* (supervision background) and *prison policies* (academic background).

2. Inspired by John Howard

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John Howard (1726-1790) is known to all prison researchers as « a legendary prison reformer ». In Ghent, Howard's accounts on the local house of correction are part of our history.



Howard's eye of an outsider

The simple method of knocking on the door of prisons, looking around and asking questions. And writing a book about it...

3. Other purposes and new questions

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Howard was **obsessed** by travelling and visiting prisons. The reasons for his travels were probably more personal than philanthropic or scientific. Who travels more than 42,000 miles in ten years on a horseback and visits the same prison up to nine times? And who makes accounts of prison conditions again and again? Do we believe that his project was about finding a precedent for paying salaries to gaol keepers?

Howard did his tour in **times of change** – sometimes without realizing it – witnessing and advocating prisons as an instrument of punishment. He did not question the prison nor the faith of the prisoners but focused on prison conditions and organisation.

Today, these questions are still relevant and addressed and reported on by many (CPT, ...). But should a contemporary Howard not go beyond that and look back to these 250 years of locking up people for punishment and ask:

What are prisons for today?

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4. Project design and (methodological) challenges

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Prepare and find guides: study (academic) literature, reports, history, politics, media coverage about prisons before and after the trip – find allies who want to help to select prisons, open doors and act as a sounding board (former PhD students and colleagues).

Make short prison trips across Europe based on Howard's road, own choices and feasibility: England, Norway, France, The Netherlands, Azerbaijan, Italy (and Belgium).

Look around, listen and ask questions to those you meet (policy makers, prison officers, prisoners, colleagues,...)

Simple but **methodologically challenging**: macro (policies) and meso-micro (prison(er)s) combined and intertwined, broad question with no specific theoretical framework, short trips and only some prison visits in each jurisdiction, one cannot read everything, highly dependent on guides and what is shown and said, questions and perception influenced by own background (lawyer-criminologist familiar with Belgian prisons), language (only Dutch, English, French and German),...

There are safer designs (I would not recommend it to my PhD students) and some will certainly call me a "prison tourist". But **I take the risk...**

5. First accounts on five travels

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2013: Azerbaijan (unique opportunity and test)

2014: England, Norway, France, The Netherlands

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a. Azerbaijan

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a. Eurosong prisons?

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First (test) trip to **Azerbaijan** (May 2013)

Unique opportunity to visit two prisons thanks to former PhD student. Last chapter of my book around the death of Howard (1790) in Kherson, Ukraine.

Azerbaijan is located at the easternmost side of the Council of Europe. I have seen prisons in a semi-authoritarian state with lots of oil-money (only available to some).

Azerbaijan has learned me that:

- ***(good) prisons and prison conditions are not a threat to those who rule, but can (and are) be used as a façade of respectability*** (to the West and their monitoring bodies like CPT). No doubt, in Azerbaijan there are prisons that easily meet all standards.
<http://www.youtube.com/watch?v=PEjvTBA9rVo>
- ***Dostoyevsky was absolutely wrong***: Quality of prisons has no intrinsic links to what we call “civilization” or respect of individuals. Eurosong prisons?
- prisons can be instruments like ***scalpels***, available to both surgeons and murderers.

b. England



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b. England: from Bedford to Oakwood

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First real trip to **England** (February 2014)

Meeting with Howard biographer Tessa West, visit to Bedford prison (local prison) and Oakwood prison (new, privately managed titan training prison).

Struck by the risk calculation, **rankings and tax payers' discourse**. It's all about the money.

Prison to punish rather than for punishment (pretty tough regime to my Belgian eyes, I did not hear much rights or citizen discourse - less illegibility?). **Incentives and Earned Privilege** (IEP) system creates different classes of prisoners. **"Vulnerable prisoners"** are separated from the rest and seem to live in their own niche. Different tracks for foreign national prisoners.

Prisons as places to lock up people and keep them busy while imprisoned with what is called **"purposeful" activities**. Is that really about preparing people for what comes after prison?

Oakwood was my first visit to a **private prison**. What I had read about this prison before my visit (including inspection reports) was horrible and I was prepared for the worst. It was not. Would I immediately see or feel the difference? No. More light, maybe. Staff being different, younger, less "state officer", maybe. Less staff (where was everybody? - I am used to see prison officers standing, sitting and chatting everywhere), sure...

c. Norway

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“In travelling through the country of Sweden, I observed the houses to be much cleaner than those in Denmark and this led me to hope I should find the same differences in prisons; especially as I was told they were visited every Saturday by an officer from the chancery. But I was dissapointed, for I found them as dirty and offensive as those in Denmark.”

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c. Norway

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c. Maybe (not so) exceptional?

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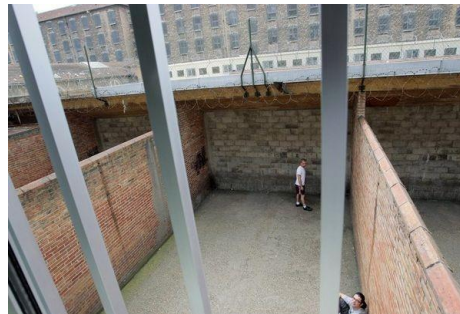
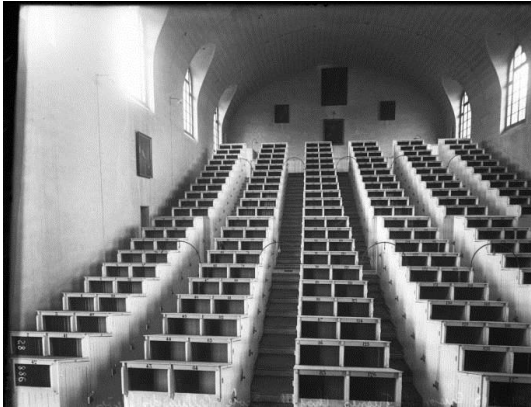
Excellent prison conditions in most prisons;
Trajectories from closed to open prisons;
Impressive investment in meaningful prison labour and reintegration;
Prison is a respected social institution.

But:

Not immune to what happens elsewhere;
Pressure on the culture of *likhet*;
Rising prison rates (looking for capacity in Sweden and The Netherlands);
What about foreign perpetrators? (punishment, reintegration, deportation?);
What is the purpose of the short prison sentences?

d. France

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d. France – rights rethorics in a security arena

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Tough (even compared to England). A lot of emphasis on security issues in the organisation. Prisoners have a hard live. I could hardly interact with the prisoners (not even just shake hands and have a talk). The inmate in Lille who wanted "to tell me about what really happens in prisons" was removed with force (and got a disciplinary sanction for it). It sometimes seemed as if prisoners are a part of the prison itself (an object). Very often, the staff just ignored the presence of an inmate as if there was nobody else in the room.

- ***Amazingly tolerant for bad living conditions in prisons:*** I have seen old, unmaintained and dirty (parts) of prisons where no French citizen ever would want to live. Prison officers seem to find that normal and just carry on. The *parloirs* in Fresnes are one of the worst places I have ever seen. But there was no shame in showing that to me: *"it is not ideal and needs some refurbishment"*.
- ***A lawyer's paradise:*** There are rules and procedures for everything. The rights discourse is omnipresent. You have to be a lawyer to understand a little bit of the whole system. Very visible typical French values about human rights and rule of law on the one hand, and a reality that feels very different at the other hand. Many articles and books about prisons are very law and procedure oriented. Or they are sociological and Foucault inspired, without much empirical basis. There is very little in between. Who's afraid of criminology in France?

e. The Netherlands

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“Prisons in the United Provinces are so quiet and most of them so clean, that a visitor can hardly believe he is in a goal. They are commonly (except for the rasphouses) white-washed once or twice a year, and prisoners observed to me how refreshing it was to come into the rooms after they had been so thoroughly cleaned. A physician and surgeon is appointed to every prison and prisoners are in general healthy.”

“I leave this country with regret, as it affords a large field for information on the important subject I have in view. I know not which to admire most, the neatness and cleanliness appearing in prisons, the industry and regular conduct of the prisoners, or the humanity and attention of the magistrates and regents.”

e. The Netherlands

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e. The Netherlands – the paradox of control

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Impressive control on the organisation of the prison system: well organised and managed (plans, implementation, feedback,...), good living conditions (clean!), many special units for special (dangerous) prisoners, evidence-based interventions...;

Absence of control or impact on the external aspects of the prison: from lowest prison rate to steepest rise and now back down again. And nobody really knows why...

Strong emphasis on individual responsibility of prisoners to change (responsivity). Investing in those who “can” and deserve it (promotion and degradation – cfr IEP). What about those who cannot take such a responsibility (up to 80%)?

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